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Global Environment Facility: Note by Administrator on the proposed amendment to the instrument for the establishment of the restructured Global Environment Facility

Summary

The present report sets forth an amendment to the instrument for the establishment of the restructured Global Environment Facility (GEF).

Elements of a decision

The Executive Board may wish to adopt the amendments to the GEF instrument. Since these have already been adopted by the United Nations Environment Programme (UNEP), the World Bank and the GEF Trustee, following their adoption by UNDP, the amendment will enter into force and will provide the GEF Council with flexibility to hold its meetings outside the seat of the Secretariat, if necessary.

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I. Background and purpose

1. The instrument for the establishment of the restructured Global Environment Facility provides the following procedures for the amendment of the instrument:

Amendment or termination of the present instrument may be approved by consensus by the Assembly upon the recommendations of the Council, after taking into account the views of the Implementing Agencies and the Trustee, and shall become effective after adoption by the Implementing Agencies and the Trustee in accordance with their respective rules and regulations[1]

2. In the ten years since the instrument was adopted, experience has shown that with regard to the logistical planning of the Assembly and Council meetings, it is not always practical or feasible to adhere to provisions in the instrument providing for the scheduling or location of those meetings. Therefore, the Council has proposed the following amendment to the instrument to provide greater flexibility to the Council with respect to the planning of the Assembly and Council meetings.

II. Amendment to the instrument for the establishment of the restructured Global Environment Facility

3. The GEF instrument was adopted by the Executive Board in its decision 94/10[2] at the second regular session 1994. So far, one prior amendment has been made to the GEF instrument. The amendment was submitted to and adopted by the UNDP Executive Board at its annual session 2003[3]. The amendments concerned paragraphs 2, 3, 6 and 21(f), which included land degradation and persistent organic pollutants as two new focal areas.

4. The GEF instrument requires that any amendments thereto approved by the GEF Assembly be submitted to the Executive Boards of the three implementing organizations (UNDP, UNEP and the World Bank) for adoption, as well as to the GEF Trustee. The Board of Executive Directors of the Wold Bank approved the amendment on its own behalf and on behalf of the GEF Trustee on 19 October 2006, and the UNEP Governing Council approved the amendment at its 24th session in February 2007. Following approval by the UNDP Executive Board, the amendments will become effective and the amended instrument will be published.

5. The following amendment to the GEF Instrument, approved by consensus at the Third GEF Assembly in August 2006, is submitted to the Executive Board for its consideration and adoption. The original text is provided; the amendment is shown in italics:

Amend the following sentence in paragraph 17, so that the revised paragraph would read as follows:

> "17. The Council shall meet semi-annually or as frequently as necessary to enable it to discharge its responsibilities. *The Council shall meet at*

[1] *Instrument for the Establishment of the Restructured Global Environment Facility*, paragraph 34.
[2] DP/1995/1
[3] E/2003/25

the seat of the Secretariat unless the Council decides otherwise. Two-thirds of the Members of the Council shall constitute a quorum."

III. Implications for UNDP

6. Such an amendment would maintain the presumption that Council meetings attended by all the implementing organizations, including UNDP, will be held at the seat of the Secretariat. The Council would, however, have the flexibility to decide to hold a meeting elsewhere if circumstances should justify such a decision, as was the case on the occasion of the GEF Assemblies.